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**Return or restitution of cultural property to the countries
of origin****Culture of peace****Interaction between the United Nations, national parliaments
and the Inter-Parliamentary Union****Note verbale dated 20 April 2016 from the Permanent Mission of
Bangladesh to the United Nations addressed to the Secretary-General**

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the text of the resolution entitled "Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity", adopted unanimously on 23 March 2016 by the 134th Assembly of the Inter-Parliamentary Union, held in Lusaka (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 10, 16 and 124.



Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

[Original: English and French]

Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity

Resolution adopted unanimously on 23 March 2016 by the 134th Assembly of the Inter-Parliamentary Union, held in Lusaka

The 134th Assembly of the Inter-Parliamentary Union,

Recalling that several UNESCO Conventions already provide an international legal framework for the protection of heritage,

Also recalling the working paper on “Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity”, which highlights the need for further mechanisms to protect this legacy, and which also mentions the nine main challenges referred to below,¹

Armed conflict and terrorism

Noting that, in situations of armed conflict, there is an almost systematic destruction of cultural heritage, whether as collateral damage or intentional destruction,

Recalling that the Convention for the Protection of Cultural Property in the Event of Armed Conflict (the 1954 Hague Convention) and its two Protocols already provide for the protection of cultural property in the event of armed conflict and are an integral part of international humanitarian law,

Regretting that too few States have ratified those instruments, particularly the Second Protocol, which includes provisions in particular for preventive measures to protect cultural heritage and to enhance that protection,

Strongly condemning all acts of intentional destruction of cultural heritage, and recalling that Article 8.2 of the Rome Statute of the International Criminal Court defines such destruction, under certain circumstances, as a war crime, while Article 15 of the Second Protocol to the 1954 Hague Convention considers it an offence,

Looting, illicit trafficking and funding terrorism

Recalling that looting and illicit trafficking of cultural items are widespread in countries where there is a rich archaeological heritage and where there is either a weak legal and institutional framework or where these activities are considered a significant source of income, and emphasizing the importance of international parliamentary cooperation to combat theft, smuggling and trade in cultural heritage, as well as the funding of terrorism, and the need to enact appropriate laws prohibiting such acts,

¹ <http://www.ipu.org/conf-f/133/2cmt-DESTEXHE.pdf>.

Also recalling that United Nations Security Council resolution 2199 (2015), as well as other relevant Security Council and IPU resolutions, establish a direct link between illicit trafficking of cultural items and the funding of terrorism,

Underscoring the need to ensure that there is a mechanism in place to adequately protect underwater cultural heritage against intensive and systematic looting premised on the logic that those who first discover underwater heritage automatically become its owner,

Mass tourism

Convinced that cultural heritage constitutes a unique tourist attraction and that mass tourism can be both promising for economic development and damaging for our heritage,

Emphasizing the need to evaluate cultural heritage assets against sustainable development evaluation standards,

Noting that mass tourism can have adverse impacts on parts of our heritage that are ill-suited to deal with such large numbers of visitors,

Recalling that tourists have a duty to maintain and preserve our common heritage, which should help to create visiting conditions that allow each and every one to respect that heritage and at the same time avoid using it inappropriately or untowardly,

Also recalling that the necessary balance between encouraging tourism and preserving cultural heritage can only be struck by ensuring the development of "sustainable tourism and conservation practices",

Population growth and urbanization

Noting that population growth and concentration lead to urbanization policies that are likely to seriously damage heritage and its surrounding environment,

Considering that spatial planning must be integrated into a sustainable and balanced development approach that reconciles socioeconomic development, in particular regarding tourism, and the conservation and protection of historical and natural heritage,

Enhancing awareness

Recognizing the importance of raising awareness from an early age among individuals and communities about the importance of preserving our cultural heritage, so as to trigger a process of assuming responsibility for prevention of deterioration and destruction that jeopardize our cultural heritage,

Also recognizing the value of developing scientific research and postgraduate studies in the field of urban heritage, so as to train national cadres and create a comprehensive database of urban heritage, which would include all related data and studies, along with efforts to educate the public and raise awareness of urban heritage, its importance and need for its development,

Conservation of heritage

Insisting on the imperative that must prevail in the choice of restoration techniques and materials used, as well as the qualification and training of persons entrusted with undertaking such work, so as to prevent any restoration company from causing irreversible damage to heritage or works of art,

Considering the positive role that the conservation and restoration of heritage can play in fostering nations' understanding of their history and identity and, through recognition of humanity's common heritage, mutual respect among peoples and recognition of the diversity and equal dignity of the world's cultures,

Globalization

Also considering that one of the effects of globalization is the standardization and homogenization of all facets of heritage, which particularly threatens the safeguarding of intangible cultural heritage,

Climate change and pollution

Recognizing that climate change, natural disasters and man-made disasters can have a negative impact on tangible, intangible and underwater cultural heritage,

Considering that strengthening efforts deployed to protect and conserve humanity's natural and cultural heritage is part of the targets of the Sustainable Development Goals, to be achieved by 2030 (SDGs target 11.4) adopted by the Member States of the United Nations (UN) in 2015, and expressing the wish to implement what was agreed at the UN Climate Change Conference in Paris,

Nominations for the World Heritage List

Recalling that greater protection can be provided to items declared and listed as national heritage, and that States should be made aware of that fact,

Underscoring the need to protect heritage as a whole, whether listed or not, against common threats,

Recognizing the importance of cultural heritage as a strategic resource to ensure sustainable development, and convinced that efforts aimed at safeguarding cultural heritage should be fully integrated into development plans, policies and programmes at all levels,

Welcoming the work already done in response to those threats by UNESCO as well as by all international, national and local bodies and organizations as well as natural and legal persons working in the field of cultural heritage,

Recalling that, in order to avoid duplication, all the legal instruments relating to heritage should constitute a coherent whole rather than merely exist in parallel,

Considering that parliaments have important powers to lead, legislate and oversee government action in order to enable the recommendations below to be effectively implemented,

Armed conflict and terrorism

1. *Urges* States to become party to and incorporate into their national legal framework the 1954 Hague Convention and its two Protocols as applicable;
2. *Encourages* parliaments to adopt comprehensive regulations that provide for measures to protect cultural property in cases of armed conflict, disaster or emergency situation;
3. *Requests* parliaments to ensure that all parties to armed conflict respect cultural property in accordance with the rules of international humanitarian law and the legal framework established by conventions governing cultural matters that they have ratified;
4. *Recommends* the establishment of mechanisms needed to systematically prosecute the perpetrators of acts of destruction of cultural heritage and also recommends that intentional acts of destruction should be defined as a war crime, according to Article 8.2 of the Rome Statute and in line with United Nations Security Council resolution 2199, and similarly the Geneva Conventions and their Additional Protocols, as applicable;
5. *Emphasizes* in this regard the importance of developing a framework for cooperation with international criminal justice bodies and of facilitating the development of inter-State judicial cooperation procedures, which is essential for the prosecution of the perpetrators of the most serious crimes;
6. *Encourages* parliaments to advocate for greater efforts to be made in training staff at museums and other institutions in which cultural heritage is kept so that, in times of war, natural disaster or major emergency, they are able to determine the priorities and modalities for protecting and keeping it safe as a matter of urgency;
7. *Invites* parliaments to legislate in order to anticipate situations of potential armed conflict, by establishing an inventory and an emergency plan for the storage or evacuation of tangible heritage and for the protection of built heritage;
8. *Proposes* to include the protection of cultural and historical sites in multilateral peacekeeping operations;

Looting, illicit trafficking and funding terrorism

9. *Calls upon* States to become party to the 1970 UNESCO Convention,² the Convention on the Protection of the Underwater Cultural Heritage (2001), and the UNIDROIT Convention (1995) and to transpose the provisions of these instruments into the national legal framework;³
10. *Recommends* that parliaments ensure that States keep an inventory of all significant heritage in the broadest sense, to record the entire inventory on microfiche and/or CD ROM and to keep several secure copies;
11. *Also recommends* that, on the basis of the inventory, that conditions be created to ensure that regular studies are conducted and that complaints of looting can be followed up;

² Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970).

³ UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995).

12. *Invites* parliaments to establish a national body to combat trafficking in cultural property whose mandate would extend to looting within countries' national borders and on the high seas;

13. *Requests* each parliament to ensure that records are established for professional art dealers, which should indicate the origin of the items they purchase;

14. *Strongly urges* parliaments to recommend that all necessary efforts, including the establishment of special police and customs units be made to combat the theft of and suppress illicit trafficking in cultural property;

15. *Encourages* parliaments to support all bilateral or international cooperation initiatives in collaboration with Interpol and the World Customs Organization;

16. *Also encourages* parliaments to advocate for the effective implementation of United Nations Security Council resolution 2199, which establishes linkages between the illicit trafficking of cultural objects and the funding of terrorism;

17. *Invites* parliaments to adopt legislation or administrative mechanisms consistent with the practical tool entitled "Basic Actions Concerning Cultural Objects Being Offered for Sale Over the Internet" developed by UNESCO with Interpol and the International Council of Museums;

18. *Recommends* that parliaments, especially those of importing countries, advocate for a monitoring system to be established, which would relate to the movement of cultural property and which would include a system of export certificates, without which it would constitute a criminal offence for cultural property to be moved out of a country of origin or moved into another country;

19. *Also recommends* that urgent measures be adopted to prohibit imports when the heritage of a State Party is seriously threatened by intense looting of archaeological and ethnological materials;

Mass tourism

20. *Invites* parliaments to take appropriate action in order to establish a system to regulate the numbers of tourists, using a daily visitor quota with time slots, after first having determined the cultural heritage to which such a system should apply;

21. *Encourages* the more systematic establishment of protection perimeters to prevent permanent or long-term damage to the country's physical, cultural and environmental heritage;

22. *Requests* parliaments to consider the possibility of limiting the number of people visiting national museums and the most frequently visited sites, so as to both protect heritage and maintain the quality of visits;

23. *Invites* parliaments to engage in consultations with museum authorities and other authorities in charge of cultural heritage in order to ensure that they are not only pursuing economic goals, but also doing all they can to ensure the quality of visits, the protection of objects and awareness of the cultural heritage on exhibit;

24. *Also invites* parliaments to establish policy and guidelines for sustainable tourism development, which will also look into the issue of tourist guards/police among others and, in particular, language training;

Population growth and urbanization

25. *Further invites* parliaments to insist that impact assessments be systematically carried out in their respective countries wherever projects alter the environment that surrounds cultural heritage and to adopt legislative provisions aimed at establishing a protective perimeter around the most striking monuments and the creation of protected zones in neighbourhoods that stand out for their historical or esthetical character;

26. *Endeavours* to ensure respect for and enhanced recognition of cultural heritage in society, in respective educational systems and policies;

Enhancing awareness

27. *Strongly recommends* that awareness-raising efforts be made in relation to the respect for and protection of heritage in school curricula and military training programmes;

28. *Invites* parliaments to promote public awareness-raising events, such as heritage days, and to encourage all public and private initiatives that form part of the International Day for Monuments and Sites dedicated to World Heritage on 18 April;

29. *Encourages* parliaments to draft and adopt national information plans on historical heritage, including training and information activities;

30. *Invites* parliaments to promote citizen participation in the process of managing heritage in line with the strategy of the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (the Faro Convention);

31. *Requests* that parliaments insist on the implementation of preventive and protective measures when heritage is in danger in parallel with measures aimed at restoring and/or repairing of cultural property;

32. *Invites* parliaments to ensure that background information is made available to citizens on tangible, intangible and underwater cultural heritage located in their countries;

Conservation of heritage

33. *Encourages* parliaments to do everything possible to foster and organize high-level training on the conservation and protection of cultural heritage in all its forms, and facilitate capacity-building activities for their safeguarding;

34. *Also encourages* parliaments to promote the regular maintenance of the heritage of their country;

35. *Further encourages* States to adopt legislation to protect historical monuments and the most striking buildings from a historical or architectural point of view; such legislation would make their demolition, displacement or restoration subject to authorization by the authorities responsible for the protection of historical monuments; it would also ensure that the overall management of the work is

entrusted to certified professionals based on their skills; it would authorize the administrative authority to oblige the property owner to undertake the necessary work in order to conserve the monument, in exchange for the State's participation in the restoration costs;

36. *Calls upon* parliaments to foster the development of training for technicians and experts in the conservation and restoration of tangible and intangible assets that make up cultural heritage, as well as to promote programmes, scholarships and international forums for the exchange of knowledge and discussion on topical issues related to cultural heritage;

37. *Also calls upon* parliaments to ensure that, where large-scale restoration projects occur, they receive automatic support from networks of national and international experts, including governmental organizations, educational and research institutions, and the private sector, so that an assessment can be made of best techniques to be used;

Climate change and pollution

38. *Recommends* that consultations with experts take place, including with specialists in cultural heritage and traditional construction techniques, in order to plan for climate change and its effects on cultural heritage, as well as to include traditional knowledge and techniques in conservation plans;

39. *Also recommends* that parliaments do the needful to ensure that consultations on the impact of climate change on cultural property also take into account external factors linked to lifestyle, such as pollution, which compound the primary impacts and thus cannot be disregarded;

40. *Encourages* the establishment both of national listed heritage assessments and of potential climate-change-related risks in order to take measures to limit them;

41. *Calls for* enhanced awareness-raising activities all over the world so as to prevent harmful environmental practices in order to mitigate the effects of climate change and protect heritage;

Nominations for world heritage lists

42. *Encourages* efforts to raise the awareness of the authorities of each country about the potential interests of registering elements of cultural heritage located inside their borders on the UNESCO World Heritage List and therefore include, in their Tentative Lists, the names of those properties which they consider to be cultural and/or natural heritage of outstanding universal value;

43. *Urges* parliaments to do everything possible to assess whether, in accordance with the Second Protocol to the 1954 Hague Convention, certain segments of heritage should benefit from higher levels of protection;

44. *Strongly urges* States to become party to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003) as well as the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) to fully complement the set of the international standard-setting instruments dedicated to the safeguarding of cultural heritage and diversity;

45. *Recommends* that parliaments encourage their governments to support other countries by providing them, where necessary, with assistance in training in and awareness-raising about the importance of conserving cultural property, what steps to take with regard to UNESCO and exchange of good practices related to the protection of cultural property;

46. *Also recommends* that parliaments remind their governments that registering cultural property on the UNESCO List should be motivated by objective criteria and be limited to those assets that present a real and universal heritage interest, without any concern for the geographical balance of properties between countries or continents or political considerations, without which this List would risk becoming endless and would lose its initial purpose.